



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 6263-99

8 December 1999

CWO2 [REDACTED] USMCR
[REDACTED]
[REDACTED]

Dear Chief Warrant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 3 November 1999, a copy of which is attached. They also considered your rebuttal letter dated 29 November 1999.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. They noted your assertion that a promotion board "could have been held" for Fiscal Year 1997, however, they were not persuaded it was erroneous or unjust that no selection board was held then. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

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Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

6262 99

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IN REPLY REFER TO:
RAM-1
3 Nov 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF Chief Warrant Officer 3
[REDACTED] SMCR

Ref: MMER/PERB Request for Advisory Opinion dtd 19 Oct 99

1. Recommend disapproval of Chief Warrant Officer [REDACTED] request for backdating his promotion.
2. Chief Warrant Officer [REDACTED] requests the backdating of his FY99 promotion rank to FY97. This request is based on his belief that his Active Component and Selected Marine Corps Reserve (SMCR) Component peers experienced a faster promotion flow in his Military Occupational Specialty (MOS).
3. CMC (MPP-30) formulates promotion plans based on the requirements of the respective competitive promotion categories within the Total Force Marine Corps. Each separate category has its own manning and vacancy issues effecting promotion rates. Consequently, Marines falling into one category may experience a faster promotion rate than another. Chief Warrant Officer [REDACTED] contention that the promotion rate of one category should drive the rate in another is simply not feasible.
4. Achieving parity of promotion opportunity between the separate competitive categories weighs heavily but, in the end, the plan is driven by requirements and personnel on-hand. As an Active Reservist (AR), Chief Warrant Officer [REDACTED] competes with other AR chief warrant officers within his MOS - 6502. If there are no anticipated vacancies for a given MOS and grade in a particular year, a board is not held. Consequently, we do not believe there is a basis for Chief Warrant Officer [REDACTED] request.
5. The point of contact at Reserve Affairs is [REDACTED] at [REDACTED]

[REDACTED] LS

U.S. Marine Corps Reserve
Head, Personnel Management Branch
Personnel Management Branch
Reserve Affairs Division